

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Wolfgang-Michael FRANZ, *et al.*

Title: USE OF G-CSF FOR TREATING ISCHEMIA

Appl. No.: 10/576,296

International Filing Date: October 25, 2004

Filing Date:

371(c) Date:

Examiner: Unassigned

Art Unit: Unassigned

Confirmation Number:

**PETITION FOR REVIVAL OF APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Mail Stop: Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to file a timely and proper response to the Notification of Missing Requirements mailed on October 31, 2006, which set a two-month period for response.

Applicants hereby petition the Assistant Commissioner under 37 C.F.R. § 1.137(b) to revive the captioned application which is a national stage application under 35 USC § 371. Accordingly, applicants respectfully urge that the application be revived and examined on its merits.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

A grantable petition requires the following items:

- (1) Required reply and/or fee;
- (2) Petition fee (37 C.F.R. § 1.17(m));
- (3) Statement that the abandonment was unintentional; and
- (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

- (1) Required reply and/or fee.

The proposed reply and required fee for the above-noted Notice to File Missing Parts in the form of a Executed Declaration/Power of Attorney to satisfy this Notice pursuant to 37 C.F.R. § 1.497(a) and (b) is enclosed herewith.

(2) Petition fee (37 C.F.R. § 1.17(m))

Fees in the amount of \$1,540.00 set forth in 37 C.F.R. § 1.17(m) to cover the fee for this petition are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

(3) Statement that the abandonment was unintentional.

Applicants hereby state that the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unintentional. **The Notice to File Missing Requirements was never received at our office and only recently came to our attention during a status check on the U.S.P.T.O. website. After realizing the status, Applicants executed the necessary documents. Applicants received a Notice of Abandonment between execution of the documents and filing of this Petition. Applicants now seek to revive this application based on the non-receipt of the Notice to Submit Missing Parts and the unintentional failure to submit certain documents.**

(4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

Respectfully submitted,

Date July 15, 2008

By Richard C. Peet

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